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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,811	08/07/2001	Francis De Smet	DESM3001/JEK	8897

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/20/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,811

Applicant(s)

SMET, FRANCIS DE

Examiner

Cam Y T Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-16 are pending in this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Bruce et al (or hereinafter "Bruce") (USP 6539080).

As to claim 1, Cupps teaches the claimed limitations:

"using at least one search assistant who helps a user when searching for information on the internet" as a PizzaNet is online ordering system that provides Internet consumer with a web site including menus of participating pizza restaurants. To place an order, consumers enter their zip code, telephone area code, and the first three digits of their phone number. A list of participating pizza restaurants within the consumer's location is provided along with their menus. The consumer can then select the restaurant of his or her choice and order from its menu on the Internet. This information shows that the PizzaNet helps a user when search for restaurants on the Internet. The PizzaNet is represented as a human search assistant (col. 1, lines 63-67; col. 2, lines 1-5).

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Cupps does not explicitly teach the claimed limitation "wherein the at least one search assistant is human and a specialist in searching on the Internet". Bruce teaches today, wireless telephone service providers also provide a telephone service that allows users to dial a 7/10 digit telephone number to reach a live operator who can provide expressway travel times, weather conditions and driving directions. The callers specify their current and future locations by providing the nearest cross street intersection or street address. Destinations can be selected by white or yellow page listings. The live operator also has categorical search tools that allows caller to find points of interest. The live operator is represented as a human and a specialist (col. 1, lines 50-60; col. 2, lines 25-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bruce's teaching of a live operator who helps caller searching direction on a Internet to Cupp's system in order to save time for a user search information on the Internet system and help users to search information easily.

As to claim 2, Cupps teaches the claimed limitation "wherein the human search assistant assists the user by searching on Internet and indicates to the user where the information the user is looking for can be found in the World Wide Web or where the user should be looking in the World Wide Web or giving the information found in the Word Wide Web" as when a user select the restaurant of his or her choice and order from its menu, the PizzaNet receives the order and faxes to the restaurant a copy of the order. This information shows that the PizzaNet has to search the selected restaurant on the Internet to fax a copy of the order to the restaurant. The PizzaNet provides a list of restaurants within user's location. It means that it shows a user where the user should be looking in WWW (col. 2, lines 1-7).

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As to claim 3, Cupps teaches the claimed limitation "wherein the human search assistant has such expertise in searching on the internet that the assistant can be considered a web librarian and is able to give more information than the place to look in the Word Wide Web and is able to supervise the user in consulting the internet" as since the PizzaNet provides a list of restaurants within a user's location to help the user search; thus the PizzaNet can be called a web librarian (col. 2, lines 2-5).

As to claim 4, Cupps discloses the claimed limitation subject matter in claim 1, Bruce further teaches the claimed limitation "the human search assistant makes uses of search engines for searching on Internet" (col. 7, lines 40-67; col. 8, lines 1-35).

As to claim 5, Cupps teaches the claimed limitation "including conducting a dialogue between the user and the human search assistant takes place on line and real time" as the online order procedure transmits a notification to the customer indicating the status of an order. The notification can include an expected delivery time (col. 11, lines 20-26).

As to claim 6, Cupps teaches the claimed limitation "including using voice recognition via the Internet to carry out the user's communication with the human search" as (col. 5, lines 5-15).

As to claim 7, Cupps teaches the claimed limitation "including offering the user is offered a visual representation of the human search assistant" as displaying a GUI of Pizza to allow a user select a restaurant (fig. 8).

As to claim 8, Cupps teaches the claimed limitation "including consulting the human search assistant via a device selected from the group consisting of a computer, a mobile phone, a palmtop

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or an interactive television apparatus, or the set-top box associated therewith" as online ordering machine is consulted via client computers (fig. 1).

As to claim 9, Cupps teaches the claimed limitation "including using several human search assistants on the website" as Pizza and Enzo's Delivery on the website of only ordering machine Cybermeals. Pizza and Enzo's Delivery are represented as assistants (figs. 8-9).

As to claim 11, Cupps discloses the claimed limitation "including using one or more head human search assistants having below them a number of specialized adjunct human search assistants who each is specialized in one or more fields, and wherein the head human search assistant directs a call the head human search assistant receives towards one of those specialized adjunct human search assistants" as Cybermeals which is represented as head human search assistants, are present having services such as Pizza, Ezo's Delivery (figs. 8-9). Bruce teaches the claimed limitation "whereby a head human search assistant directs the call he receives toward one of those specialized adjunct human search assistants" as (col. 6, lines 20-50).

As to claim 13, Cupps teaches the claimed limitation "wherein the human search assistant assists the user when searching for services" as Pizza assists the user when searching restaurants (fig 8).

As to claim 14, Cupps teaches the claimed limitation "wherein said services comprise on-line shopping, price and product comparison" as (fig. 10).

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As to claim 16, Cupps teaches the claimed limitation "including communicating with the user in the user's own language, with or without simultaneous translation" as consumers enter their zip code, telephone area and the first three digits of their phone number to place an order (col. 1, lines 65-67).

4. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Bruce et al (or hereinafter "Bruce") (USP 6539080) and further in view of Leason et al (or hereinafter "Leason") (USP 5898594).

As to claim 10, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including enabling contact of the same search assistant by the user by means of voice recognition, iris recognition or fingerprint recognition". Leason teaches fingerprint recognition (col. 6, lines 1-15).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Leason's teaching of fingerprint recognition to Cupp's system and Bruce's system in order to provide a plurality of different types of contact information for each store to a user or any disability user for searching information on Internet conveniently.

As to claim 15, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the human search assistant composes programs for the user consisting of films, television or radio or music programs which are provided via the Internet". Leason teaches selling movie in video tape (abstract).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply selling movie in video tap to Cupps's system and Bruce's system in order to allow users can search/retrieve movies via TV at home.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Bruce and further in view of Madnick et al (or hereinafter "Madnick") (USP 5913214).

As to claim 12, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the human search assistant re-formulates an information request of the user into a adapted request which is applied better on the search robots than the aforementioned information request".

Madnick teaches that the system translate a user's request and transmit the translated query to www pages 612, 612', and 612" to search information. These WWW pages are represented as search robots (col. 9, lines 55-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Cupps's teaching of translating a user's request and transmitting the translated query to www pages 612, 612', and 612" to search information to Cupps's system and Bruce's system in order to retrieve data from heterogeneous data sources in response to a query.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

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mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Contact Information


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703-605-1169). The examiner can normally be reached on Mon-Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (703-305-9790). The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

5/4/04


SHAHID ALAM
PRIMARY EXAMINER